

AMENDED IN SENATE APRIL 11, 2013

**SENATE BILL**

**No. 751**

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**Introduced by Senator Yee**

February 22, 2013

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An act to add Section 29540 to the Government Code, relating to local government.

LEGISLATIVE COUNSEL'S DIGEST

SB 751, as amended, Yee. Local planning: metropolitan planning organizations.

*Existing law provides for the designation of transportation planning agencies throughout the state with various powers and duties relative to transportation planning and programming. Existing law provides for the allocation of certain transportation funds, including revenues derived from sales tax in the amount of 1/4% of the sales in each county, which are deposited in the local transportation fund. Certain transportation planning agencies in urbanized areas are also designated under federal law as metropolitan planning organizations.*

*This bill would require a transportation planning agency that is also designated as a metropolitan planning organization to publicly report any action taken, as defined, and the vote or abstention on that action of every member present. By requiring a transportation agency to perform new duties, the bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

*This bill would authorize the district attorney or any interested person to commence an action for the purpose of obtaining a judicial determination that an action taken by a transportation planning agency in violation of the bill is null and void, as specified.*

~~Existing law establishes various regional agencies for the purpose of addressing planning issues, including transportation planning. Certain of these agencies are designated, pursuant to federal law, as metropolitan planning organizations, and are charged with specified transportation planning duties.~~

~~This bill would declare the intent of the Legislature to enact legislation to ensure transparency in connection with the functioning of metropolitan planning organizations, including, but not limited to, the individual voting records of their members.~~

Vote: majority. Appropriation: no. Fiscal committee: ~~no~~-yes.  
State-mandated local program: ~~no~~-yes.

*The people of the State of California do enact as follows:*

- 1     SECTION 1. Section 29540 is added to the Government Code,
- 2     to read:
- 3     29540. (a) A transportation planning agency designated
- 4     pursuant to Section 29532 or 29532.1 that is also designated as
- 5     the metropolitan planning organization for a region pursuant to
- 6     Section 134 of Title 23 of the United States Code shall publicly
- 7     report any action taken, as defined in Section 54952.6, and the
- 8     vote or abstention on that action of every member present.
- 9     (b) The district attorney or any interested person may commence
- 10    an action pursuant to Section 54960.1 for the purpose of obtaining
- 11    a judicial determination that an action taken by a transportation
- 12    planning agency in violation of subdivision (a) is null and void.
- 13    SEC. 2. If the Commission on State Mandates determines that
- 14    this act contains costs mandated by the state, reimbursement to
- 15    local agencies and school districts for those costs shall be made
- 16    pursuant to Part 7 (commencing with Section 17500) of Division
- 17    4 of Title 2 of the Government Code.

1 ~~SECTION 1. It is the intent of the Legislature to enact legislation~~  
2 ~~to ensure transparency in connection with the functioning of~~  
3 ~~metropolitan planning organizations, including, but not limited to,~~  
4 ~~the individual voting records of their members.~~

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